

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

District of

Delaware

PHOENIX PAYMENT SYSTEMS, INC.  
d/b/a ELECTRONIC PAYMENT EXCHANGE,

Plaintiff,  
V.

## SUMMONS IN A CIVIL CASE

LEXCEL, INC. and LEXCEL  
SOLUTIONS, INC.

Defendants.

CASE NUMBER:

- 0 7 - 5 3 7

TO: (Name and address of Defendant)

Lexcel Solutions, Inc.  
c/o Secretary of State  
401 Federal Street, Suite 4  
Dover, DE 19901

RECEIVED  
DEPARTMENT OF STATE  
DIVISION OF  
CORPORATIONS  
2007 SEP 10 PM 1 07

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Julia Heaney, Esquire  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

*Roach*

(By) DEPUTY CLERK

DATE

9/10/07

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>9/10/07</u>
NAME OF SERVER (PRINT) <u>DANIEL F. DELCOLLO</u>	TITLE Messenger

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): Service of the Summons and Complaint was made upon defendant  
Lexcel Solutions, Inc. by hand delivering copies thereof to defendant's  
registered agent, Secretary of State, 401 Federal Street, Suite 4,  
Dover, DE 19901.

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

9/10/07  
DateDaniel F. Delcollo  
Signature of Server

Morris, Nichols, Arsht & Tunnell LLP  
1201 N. Market Street  
Wilmington, DE 19801

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.